

### **REMARKS**

Claims 1-15, 20-23, 29-32, 34, 37, 39-43, 45, 49-51, 61, and 65-67 are now pending in the application. Applicant would like to thank the Examiner for the courtesies extended to applicant's representative during a telephone interview on April 16, 2009. During that interview, the Examiner indicated that the claims as amended herein would overcome the pending rejections. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 101**

Claims 1-15, 20-23, 29-32, 34, 37, 39-43, 45, 49-51, 61, and 65-67 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicant respectfully traverses the rejection.

With regard to claims 20-23, 61 and 65-67, applicant has amended the specification to delete reference to a transmission wave or medium. Thus, the phrase "recording medium" should not be construed to include such embodiments and is thereby limited to statutory embodiments.

Remaining claims have also been amended to address the Examiner's concerns. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is

believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: May 15, 2009

By: /Timothy D. MacIntyre/  
Gregory A. Stobbs  
Reg. No. 28,764  
Timothy D. MacIntyre  
Reg. No. 42,824

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

GAS/TDM/dec

14274121.1